

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of

Implementing a Nationwide,  
Broadband, Interoperable Public  
Safety Network in the 700 MHz  
Band

PS Docket No. 06-229

Development of Operational, Technical and  
Spectrum Requirements for Meeting Federal,  
State and Local Public Safety  
Communications Requirements Through the  
Year 2010

WT Docket No. 96-86

**COMMENTS OF THE CITY OF INDEPENDENCE MISSOURI ON THE  
REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED  
RULEMAKING.**

The City of Independence in 2006 installed and licensed the first 700 MHz trunked radio system in the country. The goals of the new system were multifaceted. The system was designed to meet the interoperability needs of the first responders and public service providers within the City of Independence. The system was further designed to foster interoperability with the surrounding communities.

The City of Independence has been working towards regional interoperability through the sharing of the City's communications 700 MHz infrastructure. The City has been working with the Jackson County Sheriff's Department, as well as the many other fire and city municipalities in the region in regards to the expansion and sharing of the City's 700 trunked radio system. In addition the City of Independence has been working with the Mid America Regional Council to develop a regional voice and data network within the Mid America Council UASI region.

In 2006 the City of Independence invested over 12 million dollars to develop a 700 MHz interoperable radio system to provide total interoperability for Police, Fire, Power, Water and all other public services within the City of Independence. As part of our master plan to enhance public safety response and effectiveness 700 MHz mobile data was planned to

be implemented in 2007. In light of the instability of the 700 MHz band plan the City of Independence is unable to move forward with our data implantation project.

We acknowledge that many of the conclusions identified by the public safety community in the NCC process subsequently require additional review since telecommunications breakthroughs in the last 5 years have radically changed the environment in which public safety seeks to meet its next generation capabilities.

We feel that the creation of a national licensee can enable public safety users to develop new partnerships, utilize additional existing infrastructure and improve the product they provide to those they serve, however we have concerns that if not properly structured state and local public safety interests may be overlooked.

We feel that the national licensee must have representation from the state and local jurisdictions it serves. There must be a process in place that would allow state and local governments to build out their own systems in concert with the national plan in the event the national system schedule does not meet their operational needs.

We feel that Commission's Proposal 3, as outlined in the Further NPRM, offers public safety the band plan flexibility and protection to effectively utilize its spectrum internally or with sharing partnerships with existing commercial licenses, other regional public safety agencies and subsequent 700 MHz auction winners. However we feel that the re-banding costs should not be on the backs of the incumbent 700 MHz public safety users who have invested millions of dollars in their radio systems. We feel the rules must be clear that the cost for re-banding existing 700 MHz users are borne by the commercial user benefiting from the additional spectrum.

We urge the Commission to adopt the Alternative Plan to the Broadband Optimization Plan, Proposal 3, as it best prepares public safety and any subsequent national licensee for the next generation of public safety communications capabilities and applications.

With commercial wireless systems constantly adding resources and capacity to their networks each month, public safety could enter into a dialogue with the national licensee and commercial providers in their communities to identify where they have common needs and where new developments and spectrum sharing arrangements can improve capacity and service for both public safety and commercial interests. It is imperative however that the national licensee establish sufficient infrastructure standards that will ensure the survivability of the national network. These standards should include but not be limited to adequate standby power and shelters that would withstand natural and man made events.

The FCC should promote public safety network development, overseen by the national licensee.

A migration period should be established with a focus and priority on development of public safety network build-out in concert with existing commercial networks. The

migration period should be overseen by a National Licensee who will acknowledge and identify existing commercial capabilities, evaluate whether or not they meet established public safety resiliency requirements, and coordinate new public safety connectivity projects to adhere to the Commissions long term public safety broadband strategy to operate cooperatively with existing networks. This development should be concurrent with the hardening of existing commercial network backhaul and resiliency, where necessary.

The National Licensee in conjunction with regional planning groups should allow wideband data implementation at the local level in areas where network connectivity does not exist and will be required.

In light of the fact public safety is giving up dedicated spectrum in order to create a national system the national licensee must ensure that the rates charged public safety for the use of the national system is affordable. It is our feeling since public safety is giving up spectrum to a for-profit entity to create and operate a national system, the charge to public safety for the use of the network should be on a cost pass through basis and not a for-profit basis.

The national licensee should be able to provide the public safety entities information from the Commercial E Block licensee highlighting spectrum sharing possibilities; discounts on subscriber fees when agency or regional based infrastructure can be utilized by the E Block licensee in their continued broadband nationwide deployment; and anticipated subscriber fees rates in their areas. Information can also be provided to the applicant on how rates of access within the national broadband implementation can be reduced in exchange for agency owned infrastructure and hardware being contributed to the national build-out.

The E block purchaser should enter into agreement with public safety prior to obtaining a license from the Commission and only after licensee has proven to the Commission that the agreement made with public safety contains established time frames for negotiation along with Commission alternatives/options for re-bidding of the license if the necessary agreements between the two parties are not reached.

The costs incurred by the E block winner that will be required to build out the nationwide network shall be solely at its own expense. It may, based upon mutually beneficial agreements entered into by the E block licensee and independent/regional public safety agencies or non-public safety entities, utilize existing communications assets (backhaul, infrastructure, towers etc.) in the development of such a nationwide network. The national licensee and the E block should work with existing public safety users and regional planning committees to ensure that network development and implementation of connectivity contributable to the national broadband network continues.

The E block licensee should build the network to established public safety reliability requirements. They are: 24 hours backup power capabilities in cases where commercial

power is lost, network design redundancy and maximum repair personnel response times at each location during outages.

The build out of network should meet public safety's national needs and priorities from a regional perspective. Regional Planning Committee input should be considered, along with E block licensee and National Licensee's considerations before determining which areas of a state or region should be developed and under what time frame. Build-out of the network should address public safety needs in both urban and rural areas. Public safety agencies have responsibilities to serve their constituencies in all areas, regardless of the population density within a particular area or region.

Regards,

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